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HOUSE BILL 68

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Jose A. Campos

AN ACT

RELATING TO WILDLIFE; PROVIDING FOR RULES ON THE TAKING,  
CAPTURING OR KILLING OF NONGAME FISH; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-3-28 NMSA 1978 (being Laws 1939,  
Chapter 27, Section 3) is amended to read:

"17-3-28. EXCEPTIONS--PROHIBITIONS.--

A. The state game commission shall adopt rules on  
the manner, method and devices used for the taking, capturing  
or killing of nongame fish necessary for the protection and  
conservation of game fish. A person violating a rule of the  
state game commission pertaining to nongame fish is guilty of a  
misdemeanor and may be sentenced pursuant to Section 17-2-10  
NMSA 1978.

B. Nothing in [~~this act~~] Sections 17-3-26 through  
.175111.1SA

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 17-3-28 NMSA 1978 shall be construed to prevent licensed  
2 fishermen from taking minnows and other nongame fish for [~~his~~]  
3 their own use for bait or to prevent any minor under [~~fifteen~~  
4 ~~(15)~~] twelve years of age from taking minnows not for resale;  
5 provided, however, that it shall be unlawful for licensed  
6 fishermen or any other person using nongame fish for bait to  
7 place any of [~~such~~] the nongame fish [~~which~~] that are not used  
8 for bait in any waters stocked or reserved for game fish by the  
9 state game commission [~~of the state of New Mexico~~]."

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